

FACTSHEET

CONSTITUTIONAL AMENDMENTS

GENERAL INFORMATION

The State of Hawaii's Constitution ensures representation of the people, openness and disclosure, an equal balance of power, and accountability. To maintain these objectives, our State Constitution cannot be revised or amended unless amendments are proposed by a constitutional convention or by the state legislature and approved by the voters of the State.

AMENDMENTS PROPOSED BY CONSTITUTIONAL CONVENTION

In accordance with Section 2, Article XVII, Hawaii State Constitution, each amendment proposed by the Constitutional Convention shall be submitted to the electorate on the ballot in the form of a question. Each question shall be in a "YES" or "NO" form.

At least 30 days before the election, the convention will make the full text of the proposed amendments available for public inspection. Every public library, the Offices of the City/County Clerk, and the Chief Election Officer will make this information available to the public. The full text of the proposed amendments will also be available on election day at each polling place.

AMENDMENTS PROPOSED BY THE LEGISLATURE

Pursuant to Section 3, Article XVII, Hawaii State Constitution, proposed amendments by the state legislature must be adopted by a two-thirds vote in each house or by a majority vote of each house on final reading at each of two successive sessions. These proposed amendments are entered in the legislative journals and are published once in each of four successive weeks in at least one newspaper of general circulation within two months immediately preceding the next general election. The full text of the proposed amendments will also be available on election day at each polling place.

Amendments proposed by the Legislature are subject to the same conditions of and requirements for ratification provided in Section 2, Article XVII, Hawaii State Constitution. Therefore, in accordance with Section 2, Article XVII, each amendment proposed by the state legislature shall be submitted to the electorate on the ballot in the form of a question. Each question shall be phrased in a "YES" or "NO" form.

RATIFICATION OF AMENDMENTS

Pursuant to Section 3, Article XVII, Hawaii State Constitution, amendments to the constitution shall be effective only if approved by a majority of all the votes tallied upon the question, this majority constituting at least **fifty percent of the total vote cast** at the election, or at a special election by a majority of all the votes tallied upon the question, this majority constituting at least thirty per cent of the total number of registered voters.

Additionally, Attorney General's Opinion 82-7 concludes that "BLANK and SPOILED"¹ ballots are included as part of the total vote cast at an election.

CALCULATING WHETHER AMENDMENT IS ADOPTED/REJECTED

The State conducts a two-part test of ratification on each question to ascertain whether the Constitutional requirements were met for ratification by the electorate.

A. TEST ONE: Calculating Majority of All Votes Tallied on Question

The first part of the test of ratification is to ascertain that the number of votes tallied in favor of ratification ("YES" votes) constituted a majority of all the votes tallied on the question ("YES" and "NO" votes).

NOTE: Majority means 50% of the votes plus one vote. A majority of the votes tallied on the question means that the "YES" votes divided by the "YES" and "NO" votes must equal at least 50% of the votes plus one vote.

1. Example One: Special Purpose Revenue Bonds - Authorize State to Issue Bonds

a. Number of Votes Needed for a Majority:

"YES" votes	=	231,859
"NO" votes	=	<u>102,721</u>
Votes tallied on the question	=	334,580

$$334,580 \text{ votes} \times 50\% = 167,290 \text{ votes}$$

$$167,290 \text{ vote} + 1 \text{ vote} = 167,291 \text{ votes}$$

b. Calculation of Majority

231,859 ("YES" votes) is greater than the number needed for a majority.

¹The term spoiled ballot in the case denotes over votes.

c. Results of Test One

Since 231,859 is greater than the 167,291 votes needed for a majority, this question passes the first part of the test for ratification.

2. Example Two: Board of Education - Appointed BOE by Governor

a. Number of Votes Needed for a Majority:

"YES" votes	=	158,675
"NO" votes	=	<u>176,242</u>
Votes tallied on the question	=	334,917

$334,917 \text{ votes} \times 50\% = 167,459 \text{ votes}$

$167,459 \text{ votes} + 1 \text{ vote} = 167,460 \text{ votes needed to pass}$

b. Calculation of Majority

158,675 ("YES" votes) is less than the number needed for a majority.

c. Results of Test One

Since 158,675 is less than the 167,460 votes needed for a majority, this question does not pass the first part of the test for ratification.

B. TEST TWO: Calculating Whether the "YES" Votes Constitutes at Least 50% of the Total Vote Cast at the Election

The second part of the test of ratification is to ascertain whether the "YES" votes constitute at least 50% of the total vote cast at the election. In this test, "blank" and "over" votes are included in the calculations.

1. Calculating the Total Vote Cast - 1994 General Election

City and County of Honolulu	237,430
County of Hawaii	48,841
County of Maui	36,527
County of Kauai	<u>22,326</u>
Statewide Total	376,324

2. 50% of Total Vote Cast:

376,324 total vote cast x 50% = 188,162 votes

188,162 "YES" votes needed to pass Test Two.

3. Example One: Special Purpose Revenue Bonds - Authorize State to Issue Bonds

a. Number of Votes:

"YES" Votes = 231,859

b. Results of Test Two:

Since 231,859 is greater than the 188,162 votes needed to pass Test Two, this question passes the second part of the test for ratification.

4. Example Two: Board of Education - Appointed BOE by Governor

a. Number of Votes:

"YES" Votes = 158,675

b. Results of Test Two

Since 158,675 is less than the 188,162 votes needed to pass Test Two, this question does not pass the second part of the test for ratification.

C. Results of Two-Part Test

1. Based on the calculations in the two-part test, Example One (proposed amendment on "Special Purpose Revenue Bonds - Authorize State to Issue Bonds") would be adopted.
2. Based on the calculations in the two-part test, Example Two (proposed amendment on "Board of Education - Appointed BOE by Governor") would be rejected.

This Fact Sheet is intended for informational purposes only and should not be used as an authority on the Hawaii election law and candidate deadlines. Requirements and/or deadlines may change pending changes in legislation. Consult the Hawaii Revised Statutes and other sources for more detailed and accurate requirements.

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